

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

**REBECCA L. KEITH,
Plaintiff**

v.

**COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,
Defendant**

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No. 1:17-CV-00137

**ORDER OVERRULING OBJECTIONS AND ADOPTING
REPORT AND RECOMMENDATION**

The Plaintiff requests judicial review of a final decision of the Commissioner of Social Security Administration with respect to her application for disability-based benefits. This matter has been referred to the Honorable Keith Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge submitted a report recommending that the decision of the Commissioner be affirmed. The court has considered the report and recommendation filed on March 7, 2017 (Doc. No. 14) and the Plaintiff's objections. (Doc. No. 15.) The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* Fed. R. Civ. P. 72(b). After careful consideration, the court concludes that the Plaintiff's objections are without merit.¹ The court concludes that the magistrate judge correctly identified and discussed the points of error argued by plaintiff and analyzed those points correctly. The magistrate judge properly examined the entire record to determine that substantial evidence supports the administrative law judge's

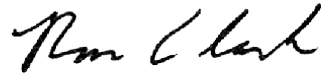
¹. The Plaintiff's objection to the Report and Recommendation does not take into account that the ALJ set forth numerous reasons for discounting the functional capacity evaluation performed by the physical therapist including that it was inconsistent with many other physical examinations and medical evidence in the record. The ALJ's decision complied with the factors set forth in SSR 06-03p, which was considered by the Magistrate Judge. The ALJ and Magistrate Judge applied the correct standard in assessing the evidence, including Keith's impairments and residual functional capacity. The ALJ sets out the proper legal standard of disability under the Act in his decision and the agency's five step sequential evaluation process for evaluating disability under the Act.

determination of weight accorded to medical evidence and the Commissioner's denial of benefits.

Accordingly, all of the Plaintiffs objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

So Ordered and Signed

Sep 23, 2018

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark, Senior District Judge